



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (O) NO.1349 OF 2024

IN

SECOND APPEAL NO.151 OF 2013 (D)

[Sayarabi Habibkha and Anr. **..Vs..** Ashabi Shaikh Yusuf (Expired) and
Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr A. Anwar, Advocate for Applicants/Appellants.

Mr K. J. Topale, Advocate for Non-Applicant/Respondent Nos.2 and 4 to 6.

CORAM : **M. W. CHANDWANI, J.**

DATE : **25th OCTOBER, 2024.**

1. Heard.
2. This is an application for condonation of delay in filing the application for restoration of the appeal.
3. The contention is that there is delay in filing the application for restoration of second appeal, which came to be dismissed for non filing of paper-book.
4. Learned counsel appearing on behalf of the respondents has no objection.
5. For the reasons mentioned in the application, the application is allowed and the delay caused in filing the application for restoration of the appeal is hereby condoned.
6. Accordingly, the civil application stands disposed of.

MISC. CIVIL APPLICATION (ST) NO.21069 OF 2024

7. Heard.

8. For the reasons mentioned in the application, the application is allowed and the appeal is restored to the file.

9. The application is disposed of.

SECOND APPEAL NO.151 OF 2013

10. Heard.

11. The appellants to file the paper-book within eight weeks from today.

12. It is common ground that there are elements of settlement, therefore, the matter is referred for mediation.

13. Mr J. J. Chandurkar, learned counsel, is appointed as Mediator in the matter.

14. The parties shall appear in the matter before the learned Mediator on 13.11.2024, as per the convenient time of the learned Mediator.

15. The learned Mediator shall file its report within two weeks thereafter.

16. Stand over after six weeks.

JUDGE